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January 11, 2006

VIA ELECTRONIC AND FIRST-CLASS MAIL SERVICE

The Honorable Charles L.A. Terreni
South Carolina Public Service Commission
PO Drawer 11649
Columbia SC 29211

RE: Application of Total Environmental Solutions, Inc. for Rate Relief
Docket No. 2004-90-W/S, ELS File No. 557-10022

Dear Charlie:

As you know, the Commission has set the court's remand of this matter for hearing on January 24, 2006. The Commission's decision will be on the original record in this proceeding and will not involve additional evidentiary hearings. I am writing on behalf of Total Environmental Solutions, Inc. ("TESI"), with the agreement of all parties (TESI, Foxwood Hills Property Owners Association and the South Carolina Office of Regulatory Staff), to formally request on behalf of all parties that the three Commissioners who initially heard the above-referenced rate case also hear and rule upon the remand of this matter.


The parties are making this request in order to avoid a potentially appealable issue regarding which Commissioners must hear this matter. Recently promulgated S.C. Ann. §58-3-225(A) disallows any commissioner who was not present at a hearing for fifteen consecutive minutes to participate in deliberations or vote on a matter before the Commission. Since a panel of three Commissioners originally heard this case, this statutory provision arguably disqualifies the remaining four Commissioners from participating in the remand.

The parties are mindful that effective January 1, 2005, the legislature repealed former S.C. Ann. §58-3-95, which required a panel of three commissioners to hear and rule upon water and sewer rate cases. However, the parties all agree that since this rate case was originally decided under §58-3-95, when combined with the express prohibitions set forth in §58-3-225-(A), the approach set forth herein is most appropriate. If the Commission approves this request, each party waives any right that they might have to appeal any order issued by the three-Commissioner panel based upon the grounds that that number of Commissioners is insufficient.

Please let the parties know as soon as possible how the Commission will proceed in this matter.

With kind regards, I am

Yours truly,


John F. Beach

cc: Mr. Paul Maeder
Mr. Bill Schoening

Mr. Gary Shambaugh
All parties of record

Ellis, Lawhorne & Sims, P.A., Attorneys at Law

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**STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION
DOCKET NO. 2004-90-W/S**

IN THE MATTER OF:)

Total Environmental Solutions, Inc.)
Application for Increase in Rates and)
Charges for Water and Sewer Services)
_____)

CERTIFICATE OF SERVICE

This is to certify that I have caused to be served this day, one (1) copy of the **January 11, 2006 Letter to the Honorable L.A. Terreni** via electronic mail and by placing a copy of same in the care and custody of the United States Postal Service, with proper first-class postage affixed hereto and addressed as follows:

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Carol Roof

Columbia, South Carolina
January 11, 2006